

OCT 21 1993

Before the
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of) MM DOCKET NO. 93-242
)
DAVID & SHERRY PIKE)
)
Licensees of Station KRAN(AM))
Morton, Texas)
)
Order to Show Cause Why the)
License for KRAN(AM))
Morton, Texas Should)
Not be Revoked)

To: Administrative Law Judge
Joseph P. Gonzalez

**MASS MEDIA BUREAU'S MOTION TO TERMINATE HEARING
AND CERTIFY CASE TO THE COMMISSION**

1. The Mass Media Bureau, pursuant to Section 1.92 of the Commission's Rules, requests that the Presiding Judge issue an order terminating the instant proceeding and certifying the case to the Commission.

2. The Order to Show Cause and Hearing Designation Order, 8 FCC Rcd 6298 was released August 31, 1993 ("OSC").¹ The OSC directed David and Sherry Pike ("Pike") to show cause why their license should not be revoked. The OSC stated that KRAN(AM) had been off the air since March 13, 1991, and that the last request for authority to remain silent was granted through July 10, 1992. The OSC also denied Pike's July 28, 1992, request for further extension of silence authority for failure to prosecute.

¹ The OSC was published in the Federal Register on September 7, 1993, at 58 Fed. Reg. 47139.

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Accordingly, the OSC specified issues to determine whether Pike has the capability and intent to expeditiously resume broadcast operations of KRAN(AM) consistent with the Commission's Rules, whether Pike has violated Sections 73.1740 and/or 73.1750 of the Commission's Rules and whether Pike is qualified to be and remain the licensee of Station KRAN(AM). Pike was directed to file a notice of appearance within 30 days of the receipt of the OSC pursuant to Section 1.91(c) of the Commission's Rules.

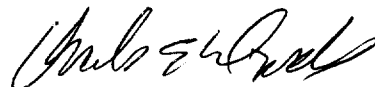
3. The OSC was initially sent on August 31, 1993, to the licensee's address of record in Morton, Texas by certified mail, return receipt requested. It was returned stamped: "Returned to sender," with a hand-written notation: "undeliverable." On September 17, 1993, the OSC was resent by certified mail, return receipt requested, to the licensee at two different addresses in Decatur, Alabama, which had been made available to the Bureau staff by David Pike in 1992. Neither the return receipts nor the envelopes from the September 17 mailings have been returned to the Commission. Finally, Pike has not filed a notice of appearance.

4. On September 20, 1993, the Mass Media Bureau filed its Bill of Particulars and Request for Admissions. Copies were sent to Pike at the same addresses as were used when the OSC was resent on September 17, 1993. On September 27, 1993, the Bureau received return receipts from both addresses, dated September 24, 1993, signed by Justin Pike, for both the Bill of Particulars and

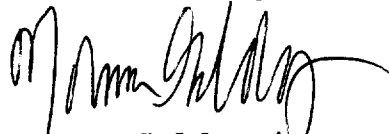
the Request for Admissions. Pike has neither admitted to the Admissions, nor denied them.

5. In view of the foregoing, it is apparent that Pike has no intention of appearing in the instant proceeding to contest the Commission's OSC. Accordingly, it would serve the public interest to conclude this proceeding. Therefore, the Bureau requests that, pursuant to Section 1.92(c) of the Commission's Rules, the Presiding Judge terminate the hearing proceeding and certify the case to the Commission for further action.

Respectfully submitted,
Roy J. Stewart
Chief, Mass Media Bureau



Charles E. Dziedzic
Chief, Hearing Branch



Norman Goldstein
Attorney
Mass Media Bureau

Federal Communications Commission
2025 M Street, N.W.
Suite 7212
Washington, D.C. 20554
(202) 632-6402

October 21, 1993

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certifies that she has on this 21st day of October 1993, sent by regular United States mail, U.S. Government frank, copies of the foregoing **"Mass Media Bureau's Motion to Terminate Hearing and Certify Case to the Commission"** to:

David Pike c/o *
Justin Pike
P.O. Box 266
Decatur, Arkansas 72722

David Pike *
Route 2, Box 129
Decatur, Arkansas 72722

Michelle C. Mebane
Michelle C. Mebane

* By certified mail, return receipt requested.